

## **ORDINANCE NO. 16,498**

AN ORDINANCE vacating multiple segments of street and alley right-of-way in the vicinity of East 19<sup>th</sup> Street and Hubbell Avenue to allow them to be assembled into Ashfield Park.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That multiple segments of street and alley right-of-way in the vicinity of East 19<sup>th</sup> Street and Hubbell Avenue, more specifically described as follows, be and are hereby vacated:

A PART OF EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 2 THROUGH 13 OF BLOCK 3 IN SUNNYSIDE ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 14 IN SAID BLOCK 3; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 14 AND ALONG THE NORTH LINE OF LOT 3 IN THE OFFICIAL PLAT OF THE NE 1/4 OF SEC 2-T78-R24 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST 20.0 FEET OF SAID LOT 2; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION TO THE SOUTH LINE OF SAID LOT 2; THENCE EAST ALONG THE SOUTH LINE OF SAID LOTS 2 THROUGH 13 TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE SOUTHERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID LOT 14 AND TO THE POINT OF BEGINNING,

AND

A PART OF EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING LOTS 21 THROUGH 26 IN GOODE & LIKES' ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND LYING NORTH OF AND ADJOINING LOTS 6 THROUGH 8 IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 8, LOT 7 AND LOT 6 TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE CONTINUING WEST ALONG THE NORTH LINE OF SAID LOT 21 THROUGH SAID LOT 26 TO THE

SOUTHERLY EXTENSION OF THE EAST LINE OF THE WEST 60.0 FEET OF LOT 3 IN THE OFFICIAL PLAT OF THE NE 1/4 OF SEC 2-T78-R24; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION TO THE SOUTH LINE OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTHERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING,

AND

A PART OF ALLEY RIGHT OF WAY LYING BETWEEN LOTS 8 AND 9 IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 9; THENCE SOUTHEAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9 TO THE SOUTHERLY CORNER OF SAID LOT 9; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHEASTERLY CORNER OF SAID LOT 8; THENCE NORTHWEST ALONG THE NORTHEASTERLY LINE OF SAID LOT 8 TO THE NORTHEASTERLY CORNER OF SAID LOT 8; THENCE NORTH ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING,

AND

A PART OF LYON STREET RIGHT OF WAY (PLATTED AS WILSON STREET) IN SUNNYSIDE ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9 IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 9 TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 14 IN BLOCK 3 OF SAID SUNNYSIDE ADDITION TO THE CITY OF DES MOINES, IOWA; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 14 TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING,

AND

A PART OF LOT 1 IN THE OFFICIAL PLAT OF A STRIP OF GROUND 100 FT WIDE, BEING 50 FT. ON EACH SIDE OF THE CENTERLINE OF A RIGHT OF WAY OF THE DES MOINES AND MINNEAPOLIS RAILROAD COMPANY AS FORMERLY LOCATED OVER THE FOLLOWING DESCRIBED PREMISES IN POLK COUNTY IOWA, TO WIT: LOTS "B" AND "C" OF THE SUBDIVISION OF LOT 2 OF THE OFFICIAL PLAT OF THE N.E. 1/4 OF SECTION 2,

TOWNSHIP 78, RANGE 24, SAID OFFICIAL PLAT BEING RECORDED IN BOOK F PAGE 29 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, SAID PART OF LOT 1 ALSO BEING A PART OF EAST 19<sup>TH</sup> STREET RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN SAID OFFICIAL PLAT OF A STRIP OF GROUND 100 FT WIDE, BEING 50 FT. ON EACH SIDE OF THE CENTERLINE OF A RIGHT OF WAY OF THE DES MOINES AND MINNEAPOLIS RAILROAD COMPANY AS FORMERLY LOCATED OVER THE FOLLOWING DESCRIBED PREMISES IN POLK COUNTY IOWA, TO WIT: LOTS "B" AND "C" OF THE SUBDIVISION OF LOT 2 OF THE OFFICIAL PLAT OF THE N.E. 1/4 OF SECTION 2, TOWNSHIP 78, RANGE 24; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 6 TO A LINE RUNNING BETWEEN THE SOUTHEAST CORNER OF LOT 10 IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, AND THE SOUTHEAST CORNER OF LOT 9 IN SAID HUBBELL AVENUE ADDITION; THENCE SOUTHWEST ALONG SAID LINE RUNNING BETWEEN THE SOUTHEAST CORNER OF SAID LOT 10 AND THE SOUTHEAST CORNER OF SAID LOT 9 TO THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH ALONG SAID WESTERLY LINE OF SAID LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6 TO THE POINT OF BEGINNING,

AND CONTAINING APPROXIMATELY 37,485 SQUARE FEET.

AND

A PART OF LYON STREET RIGHT OF WAY IN SUNNYSIDE ADDITION TO THE CITY OF DES MOINES, IOWA, AN OFFICIAL PLAT, AND A PART OF THE ALLEY RIGHT OF WAY LYING SOUTHWEST OF AND ADJOINING LOTS 14, 16 THROUGH 20 IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, AND A PART OF LOT 1 IN THE OFFICIAL PLAT OF A STRIP OF GROUND 100 FT WIDE, BEING 50 FT. ON EACH SIDE OF THE CENTERLINE OF A RIGHT OF WAY OF THE DES MOINES AND MINNEAPOLIS RAILROAD COMPANY AS FORMERLY LOCATED OVER THE FOLLOWING DESCRIBED PREMISES IN POLK COUNTY IOWA, TO WIT: LOTS "B" AND "C" OF THE SUBDIVISION OF LOT 2 OF THE OFFICIAL PLAT OF THE N.E. 1/4 OF SECTION 2, TOWNSHIP 78, RANGE 24, SAID OFFICIAL PLAT BEING RECORDED IN BOOK F PAGE 29 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, SAID PART OF LOT 1 ALSO BEING A PART OF EAST 19<sup>TH</sup> STREET RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN SAID OFFICIAL PLAT OF A STRIP OF GROUND 100 FT WIDE, BEING 50 FT. ON EACH SIDE OF THE CENTERLINE OF A RIGHT OF WAY OF THE DES MOINES AND MINNEAPOLIS RAILROAD COMPANY AS FORMERLY LOCATED OVER THE FOLLOWING DESCRIBED PREMISES IN POLK COUNTY IOWA, TO WIT: LOTS "B" AND "C" OF THE SUBDIVISION OF LOT 2 OF THE OFFICIAL PLAT OF THE N.E. 1/4 OF SECTION 2, TOWNSHIP 78, RANGE 24; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 6 TO A LINE RUNNING BETWEEN THE SOUTHEAST CORNER OF LOT 10 IN SAID HUBBELL AVENUE ADDITION, AND THE SOUTHEAST CORNER OF LOT 9 IN SAID HUBBELL AVENUE ADDITION; THENCE NORTHEAST ALONG SAID LINE RUNNING BETWEEN THE SOUTHEAST CORNER OF SAID LOT 10 AND THE SOUTHEAST CORNER OF SAID LOT 9 TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 10 TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE NORTH ALONG THE WEST LINE OF LOTS 10, 11 AND 22 IN SAID HUBBELL AVENUE ADDITION TO THE NORTH CORNER OF SAID LOT 22; THENCE SOUTHEAST ALONG THE NORTHEAST LINE OF LOT 22 AND LOT 13 TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE NORTHEAST ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF SAID LOT 14; THENCE NORTHWEST ALONG THE SOUTHWEST LINE OF SAID LOTS 14, 16 THROUGH 20 TO THE WEST CORNER OF SAID LOT 20; THENCE NORTH ALONG THE WEST LINE OF LOTS 20 AND 21 IN SAID HUBBELL AVENUE ADDITION TO THE NORTH CORNER OF SAID LOT 21; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 6 TO THE POINT OF BEGINNING,

AND CONTAINING APPROXIMATELY 31,602 SQUARE FEET

Section 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Section 3. The City of Des Moines hereby further reserves a twenty (20) foot wide ingress and egress easement over and across the portion East 19<sup>th</sup> Street adjoining 1901 Burson Street, Des Moines, Iowa, legally described as:

LOTS 20 AND 21, HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (hereinafter referred to as the "Benefited Property");

This easement is for the sole benefit of the owners of the Benefited Property, including their heirs, successors and assigns, for continued use of an existing drive entrance off of the East 19<sup>th</sup> Street

right of way. This easement shall remain in effect until such time that the existing garage located on the Benefited Property is removed or reconstructed, or if the drive approach and driveway serving the Benefited Property is relocated in the future from East 19<sup>th</sup> Street to Burson Street.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Section 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED: Grant Hyland, Assistant, City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 25-1331), passed by the City Council of said City at the meeting held on September 29, 2025 and signed by the Mayor on September 29, 2025 and published and provided by law in the Business Record on October 17, 2025. Authorized by Publication Order No. 13100.

Laura Baumgartner, City Clerk